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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued) (E/CN.4/1992/3, 4, 25, 26, 27 and Corr.1, 28 and Add.1, 29, 30 and Add.1, 31-37, 60, 64, 67, 68 and 72; E/CN.4/1992/CRP.1 and 2; E/CN.4/1992/NGO/2, 5, 10, 11, 13, 19, 24 and 34; E/CN.4/1991/24, 27-31, 33 and Add.1 and 34-36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

1. Mr. JAZIC (Yugoslavia), speaking in exercise of the right of reply, said, with regard to the Albanian representative's statement concerning the alleged deterioration of the situation of the human rights and fundamental freedoms of Albanians in Yugoslavia, that first of all, the number of Albanians in Yugoslavia was 1,730,360 according to the 1981 census, namely, 7.7 per cent of the population. Even allowing for a natural increase in that number, the Albanian population could hardly have reached the figure of 3 million given by the representative of Albania.

2. With respect to the right of minorities, the Constitution of the Republic of Serbia - of which the autonomous Province of Kosovo was an integral part - provided that, in those parts of the territory of the Republic inhabited by nationalities, the languages and scripts of the nationalities were also in official use in a manner prescribed by the law, that all citizens had equal rights and duties and enjoyed equal protection before the Government and other bodies irrespective of their race, sex, birth, language and national origin; that members of other nations and nationalities were entitled to education in their languages; and that citizens were entitled to freedom of expression of their national origin and culture, and freedom of use of their languages and scripts.

3. In addition, the laws of the Republic of Serbia provided for the right to cultural and other development. The ethnic Albanians themselves failed to make use of those rights because, for example, they refused to work together with the Serbs and other nations in enterprises and institutions. Moreover, for a number of years, they had been exerting pressure on Serbs and Montenegrins, resulting in the emigration of several hundred thousand Serbs and Montenegrins from Kosovo and causing a substantial change in the province's demographic structure. In his Government's view, the Albanians wanted Kosovo to be a separate republic with the ultimate goal of secession from Yugoslavia and subsequent accession to Albania.

4. The situation in Kosovo was critical and could not be explained solely as a result of human rights problems, although the level of their enjoyment there was limited. The argument put forward by the Albanian representative that the Albanians in Yugoslavia were a people and not a minority, due to their number, was contrary to international law. Albania was obviously the national State of the Albanian people and therefore the claim that Albanians in Yugoslavia represented a people could lead to the annexation of Kosovo by Albania.

5. The representative of Albania had not mentioned the existence of Serbian and Montenegrin national minorities in his own country. The number of Serbs and Montenegrins living in Albania had been grossly underestimated. They had no minority rights and could not use their mother tongue anywhere. Furthermore, in only one wave of the flow of refugees from Albania, more than 2,000 Serbs and Montenegrins had fled to Yugoslavia.

6. Mr. HUSSEIN (Iraq), speaking in exercise of the right of reply, said that the representative of the Minority Rights' Group had devoted most of his statement to the Kurds of Iraq and supported the Special Rapporteur whose report (E/CN.4/1991/31) the Iraqi delegation rejected because of its lack of neutrality. A great deal had been said in the Commission about the alleged genocide of Kurds and Shi'ites and of the entire Iraqi population. Efforts were clearly being made by certain countries to impose their views not only on Iraq but on all the other countries in the world. The recommendations made by the non-governmental organization and the Special Rapporteur were inconsistent with international law. He wished to make it clear that Iraq was a sovereign State with a long history and that its people would defend its integrity and rights.

7. With regard to the comments made by the Hungarian representative, the Iraqi delegation wished to assure him that the way was open to help the Iraqi Kurds. However, it should be made clear that the area in which that representative had said that human rights violations were taking place was, for the time being, not under the central Government's control because of foreign intervention. The responsibility for the events occurring there was borne by the countries that were making use of the Kurdish cause as a means of intervening in Iraq. His Government was making every effort to find a solution to that old problem and thanked the representative of Hungary for his interest in the situation of the peoples of Iraq.

8. He agreed with the comments made by the Canadian representative concerning the ability of the Iraqi people to choose its own Government and leaders, but he wished to stress the importance of their being able to exercise the right without any foreign intervention. All nations were aware of the magnitude of the campaign being waged against Iraq in order to bring pressure to bear on the Iraqi people regarding the choice of their political regime. In that regard, he said that scenarios had even been published by hostile Governments whereby the current regime would be replaced by force. As things stood, what Iraq required was the means of satisfying the needs of its people, particularly with regard to food and medicine, so that they would be able to enjoy their democratic life and hold free elections.

9. Mr. ERKMENOGLU (Observer for Turkey), speaking in exercise of the right of reply, said that the representative of Amnesty International had mentioned his country and referred once again to a so-called Workers' Party which was in reality a cover-up for terrorist activities. By calling it a party, the NGO had conferred upon it a cloak of legitimacy. It should be noted that, during his recent visit to Ankara, the leader of the Kurds had declared that his people did not approve the tactics of the Workers' Party and condemned terrorism.

10. The representative of Amnesty International had not mentioned even once the word "democracy", which was sweeping through Eastern Europe and the former Soviet Republics. No matter how strong an organization was, such a single-minded persistence and total disregard of changes were bound to diminish its relevance to real life. Despite its claims to the contrary, Amnesty International did not oppose abuses irrespective of the entity that committed them. Even a cursory look at the reports of Amnesty International revealed that, in its 30 years of existence, it had opposed, in an extensively documented manner, only those abuses alleged to have been committed by Governments. On the other hand, it had referred only in passing to so-called armed opposition groups, without documenting their wrongdoings and victims.

11. The representative of Amnesty International had said that his organization would begin to document the abuses of armed opposition groups in accordance not with article 30 of the Universal Declaration of Human Rights but with article 3 common to the Geneva Conventions. That was an obvious attempt to recognize those groups as entities of international law. Thus, the abuses they committed would be regarded not as human rights violations but as breaches of humanitarian law, although the representative of Amnesty International asserted that the use of the neutral term "armed opposition groups" was not intended to confer legitimacy upon them.

12. Under the pretext of concentrating on human rights violations alleged to have been committed by States against members of "armed opposition groups", Amnesty International subjected an extremely complex and multifaceted phenomenon to intellectual surgery, destroying cause-effect relationship and reducing it to a coherent but useless whole not conducive to solution. The first aspect of that surgery was to dissociate the conflict from its broad foreign policy context. Those persons outside the country concerned who supported armed groups were equally responsible for the human rights violations such groups committed.

13. The second aspect was the dissociation of the conflict from its domestic context, especially with regard to the existing political regime. In countries with a Government representing the entire population and effectively recognizing the equality of rights, there could be no right to self-determination in the sense of disrupting the territorial integrity and political unity of the State. Hence, an armed group fighting to that end could not be legitimate and neutrality in that respect was a breach of international law.

14. The third aspect was the dissociation of the conflict from its nature. The groups should be qualified as terrorists in accordance with General Assembly resolution 41/60 if they resorted to terrorist acts and practices, and especially if civilians outside the conflict were victimized. Neutrality in that regard was a breach not only of international law but also of morality.

15. As a result of that surgery, it was not surprising to see Amnesty International place the onus of seeking innovative mechanisms on the Commission, for that organization's simplifying unidimensional approach did not lend itself to innovations towards democratic and peaceful solutions.

16. In conclusion, he said that, if it was really desired to solve those conflicts, it was necessary to be capable of working out democratic solutions to them, keeping in mind the fact that terrorists could be easily dealt with in democratic countries if they did not enjoy external moral and material support.

17. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that, as his delegation had already explained, Cuba considered that both Commission resolution 1991/68 and the mandate of the Special Representative lacked any political or moral validity, since they had been forced on the Commission by the delegation of the United States. Consequently, his Government would not collaborate with the representative or with any rapporteur appointed by the Commission on questions relevant to Cuba. However, his Government fully complied with all mechanisms established by the Commission that were applicable to all States, maintained contact with the Secretary-General on the matter and scrupulously respected its international contractual obligations. It would continue to do so in the future.

18. In its replies to the thematic rapporteurs and working groups, the Secretary-General, and the Centre for Human Rights, his Government clearly rejected the allegations concerning violations by it of human rights.

19. He would like to know what Article of the Charter of the United Nations, international conventions or treaties stated that Members of the Organization had renounced jurisdiction over their own internal affairs, including the exercise of human rights. Nothing in the Charter required Member States to implement the recommendations adopted by United Nations bodies, including the Commission. Only decisions of the Security Council, adopted under Chapter VII of the Charter, were binding and he saw no reason why his Government should have to comply with a decision that was clearly arbitrary and discriminatory.

20. Those who were currently supporting the anti-Cuban campaign waged by the United States and deploring the fact that Cuba was not complying with non-existent obligations under the Charter - without even referring to the flagrant violations committed by the Government in Washington against vast areas of its own population and against his own people - compromised not only the legitimacy and credibility of their own allegations but the very prestige of the Commission.

21. Mr. GADGIL (India), speaking in exercise of the right of reply, said that he regretted that the representative of Canada should have made remarks about his country that were unwarranted and unrelated to the facts.

22. The democratically elected Government of India had a constitutional responsibility to uphold the integrity and unity of the country and to protect its citizens from the depredations of terrorist violence. To ignore the massive violations of human rights by terrorist groups in Punjab and Kashmir and to describe them as anti-government forces, as the Canadian representative had done, was to condone murder, kidnapping, rape and other malicious violations of human rights by those groups. His delegation hoped that those countries which were genuinely interested in preserving and promoting human rights would begin to face the reality of terrorism.

23. Mr. WALKER (Australia) said that, although the Iraqi aggression had been quelled and Kuwait restored to independence, the situation in the Gulf and in the Middle East generally remained a matter of deep concern. The world had also seen mixed signals in southern Africa, the Americas and in his own region of Asia.

24. His delegation recognized that many countries attempting to enhance human rights might not yet have in place the national institutions they needed to pursue that goal. He commended to them the fundamental support that the United Nations and, in particular, the Commission, was able to provide in establishing and reinforcing machinery to promote the observance of human rights.

25. His delegation supported recommendations designed to enhance the capacity of the United Nations to assist in those practical steps designed to foster democratic processes. The Commission and the Centre for Human Rights should continue to assist nations requiring support in holding democratic elections.

26. The strengthening of the United Nations thematic mechanisms for monitoring human rights was another way of improving human rights observance through non-confrontational means. His delegation was pleased at the increasing level of cooperation extended to those mechanisms by Governments and urged that it should continue.

27. His Government welcomed the positive developments in the observance of human rights in the independent States of the former Soviet Union. Other developments, in both the former Soviet Union and other parts of Europe, however, were a continuing cause of concern. In that regard, his delegation had already expressed its particular concerns over conflicts involving minorities in Yugoslavia and Nagorno-Karabakh, which had been accompanied by serious violations of human rights. His delegation was also disturbed by reports of increasing anti-Semitism in parts of Western Europe.

28. His Government fully supported the efforts of the Secretary-General to achieve a comprehensive settlement of the Cyprus problem, which had important human rights dimensions.

29. As for southern Africa, his delegation had noted both the growing convergence of views of the major parties on their vision for the future of the region and the need for continued monitoring of the human rights situation there.

30. His Government remained concerned about the continuing violations of human rights in Central America, particularly Guatemala and El Salvador. In the case of El Salvador, the recent signing of a peace agreement had brought new hope of an improvement in the human rights situation. His Government also welcomed the establishment of an effective human rights institution in Mexico and the positive developments in Chile and Brazil.

31. His delegation expressed concern about the persistent situations of serious human rights abuse in Iraq, Iran and Afghanistan. It was particularly worried by the continuing high level of executions and of

religious intolerance, especially against people of the Baha'i faith, in Iran. It urged the Governments concerned to implement the recommendations of the respective special rapporteurs and representatives, whose mandates should be renewed.

32. The human rights situation in the occupied Arab territories continued to be of concern to his Government. While acknowledging Israel's genuine security concerns, it believed that the Israeli Government should abide by its obligations under international law and basic human rights considerations in handling security issues.

33. In Sri Lanka, the continuing high incidence of serious human rights abuse by both the security forces and the LTTE gave cause for serious concern. While his delegation commended the action already taken by the Sri Lankan authorities, the scale of the problem demanded further action and warranted scrutiny by the Commission.

34. His Government was much disturbed by the killings in Dili, Indonesia, on 12 November 1991 and had conveyed to the Indonesian Government its deep concern about the loss of innocent lives. It welcomed the decision of the President of Indonesia to set up a national Commission of Inquiry, whose advance report was encouraging. Those found responsible for human rights violations should be punished so as to deter any recurrence of such excesses. East Timorese in Dili, Denpasar and Jakarta should not be detained or otherwise penalized for non-violent political activities. They should be treated humanely and, if brought to court, should be given proper legal representation and fair trials.

35. Future policies and practices of the security forces in East Timor should be effectively controlled and made more sensitive to the needs and aspirations of the East Timorese people. In fact, the Indonesian Government should develop a systematic approach to longer term reconciliation in the province, including improved social and economic development and greater recognition of East Timor's distinctive cultural identity.

36. The responsibility of Governments to promote human rights extended beyond their activities in the United Nations and other multilateral forums. Australia's active bilateral human rights policy was based on the belief that there were fundamental human rights standards of universal application and that constructive discussion of human rights problems was a legitimate aspect of bilateral relations. In its dealings with other countries on human rights issues, his Government accepted criticisms of Australia's human rights record and sought, through rational and open discussion, to establish common ground out of different perceptions.

37. In July 1991, for example, an Australian delegation had held frank discussions with the Chinese authorities on the extent of political and civil freedoms, the fate of dissidents caught up in the tragic events of June 1989, the human rights situation in Tibet, and other concerns. While agreement had not been reached between the two sides on all the issues discussed, there had been a positive exchange of views and an understanding that human rights had a legitimate place on the international agenda.

38. While it was preferable to address human rights concerns in a spirit of cooperation and constructiveness, it should be realistically acknowledged that some Governments clung to power through extensive human rights abuse and had little interest in bringing about improvements. In such cases, the United Nations had a responsibility to formulate and express the collective view of the international community.

39. Such a course of action was required for Myanmar, where an unrepresentative military regime continued to repress the clear wish of its people for democratic change. The regime's assurances since the election in 1990 that Myanmar was moving towards the establishment of a democratic State had lost all credibility following its suppression of political parties, arrest of elected representatives, and even persecution of some Buddhist monks. Basic freedoms of expression, association and conscience were denied and there were reports of torture and forced labour. The use of force against ethnic minorities was to be especially deplored.

40. The situation also had wider regional implications, including the outflow of thousands of persons to neighbouring countries. The Burmese people should be permitted full enjoyment of universally recognized standards of human rights and his Government called on the Myanmar regime to bring its abuses to an end and, in particular, to release Daw Aung San Suu Kyi and other political leaders and to work with them in the urgent task of democratization and reconstruction in Myanmar.

41. Given the seriousness of the human rights situation in Myanmar, his Government was of the view that it should be reviewed by the Commission in open session.

42. Mr. KHOURY (Syrian Arab Republic) said that, in its resolution 1991/66, the Commission called upon the Israeli Government to put an immediate end to its violations of human rights in southern Lebanon and to withdraw totally and unconditionally from all Lebanese territory. It also urged the Government of Israel to comply with the Geneva Conventions of 1949 and to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in the region. Finally, it requested the Secretary-General to bring the resolution to the attention of the Government of Israel and to provide information concerning the extent of its implementation.

43. As it had done in the case of other United Nations resolutions, Israel had ignored that resolution and had continued its oppressive policies and its human rights violations in southern Lebanon. Indeed, even as the Commission's session was in progress, Israel had launched an attack against southern Lebanon, causing the death of many civilians, including women, children and old people, and the exodus of thousands of villagers. Its military had even scuffled with United Nations forces in the area.

44. The Israeli record in Lebanon clearly showed that it pursued a policy of expansionism aimed at preventing the Lebanese army from assuming control of the south of the country, thereby separating that area economically and militarily from the rest of Lebanon and perpetuating its occupation.

45. The Commission should urge the Government of Israel to comply with the relevant United Nations resolutions and international human rights instruments and to withdraw from the territory it occupied. It should also vigorously condemn the arbitrary daily bombings of civilians in cities, villages and refugee camps as well as the taking of hostages at a time when the international community had set its face firmly against hostage-taking. The occupying forces demolished houses and destroyed crops in order to expropriate land. They also blockaded villages which refused to cooperate with them and imposed travel restrictions within Southern Lebanon. The representative of Lebanon had given details of the practices of the Israeli forces, which were totally unacceptable to civilized society and must be vigorously condemned by the Commission.

46. Turning to the question of Cyprus, a country with which his own had long-standing ties, he welcomed the good-offices mission sent by the Secretary-General aimed at bringing about a settlement between the parties within the framework of relevant United Nations resolutions. Only a settlement that protected the sovereignty, territorial integrity and neutrality of the country could ensure respect for the human rights of both the communities on the island.

47. Ms. FRITSCHE (Observer for Liechtenstein) said that concern for the safeguarding of human rights should not be considered as interference in the internal affairs of a country. While countries had the primary responsibility for remedying their deficiencies in that area, that should not prevent any other country from pointing to human rights violations, wherever they occurred.

48. While the concept of human rights might have different roots and traditions in different cultures, all human beings in all parts of the world were entitled to respect for their human rights and fundamental freedoms. Consequently, cooperation in the field of human rights should transcend ideological disputes and should not be restricted by pleas of national security interests.

49. Recent developments had made it clear that democracy, popular participation in political decision-making - not least by women - the rule of law and respect for human rights were indispensable to civilized society, good government and economic prosperity.

50. The achievement of sustainable self-determination had, in the past, been a complicated and sometimes traumatic process, in the course of which armed conflicts and human rights violations had caused immense sufferings for the populations concerned. A new approach to the exercise of the right to self-determination should therefore be developed. In that connection, Prince Hans-Adam II of Liechenstein had recently presented the idea of establishing guidelines whereby various degrees of autonomy and, if so-desired, eventually independence could be achieved. Her delegation would develop the idea further and submit specific proposals in due course.

51. Regrettably, human rights were still being violated all over the world. While the United Nations and many non-governmental organizations had often helped to alleviate the misery of victims, more could and must be done. Her

delegation therefore supported the proposal by the Austrian delegation that an emergency mechanism be established which would not affect or duplicate the mechanisms currently at the disposal of the Commission. It also supported the proposal by the delegation of Costa Rica that an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment be elaborated.

52. Human rights violations in a number of countries in the world continued to be of concern to her Government. Despite many international appeals, the People's Republic of China continued to violate human rights and fundamental freedoms, especially in Tibet. The Iraqi Government oppressed and terrorized its own population, while the Islamic Republic of Iran continued to violate human rights and to discriminate against certain groups of citizens, particularly the Baha'is, because of their religious beliefs. She called upon those countries to implement the recommendations of the respective special rapporteurs and to establish the necessary conditions to enable their citizens fully to enjoy human rights and fundamental freedoms.

53. One of the consequences of the rapid and fundamental changes which the world had recently experienced was that problems that had long been concealed by a policy of rigid ideology were breaking out all the more violently. The problem of minorities was of particular concern. People often migrated in large numbers to other countries because, as members of minorities, they were discriminated against in their own countries. Even in countries of long-standing humanitarian traditions, an irrational intolerance against persons of different cultures was to be found with increasing frequency.

54. Mr. VIGNY (Observer for Switzerland) said that the selectivity of the Commission in determining the list of countries whose human rights records it would examine damaged its credibility and reflected a political approach to the issue of human rights. While a Government might be forgiven, in the last analysis, for restraining its bilateral criticism of another State which seriously violated human rights because of economic considerations it was deeply regrettable that, at the multilateral level, the Commission should employ double standards by sparing a powerful State while condemning another with less political weight. Such an attitude was contrary to the principle of the universality of human rights and, more dangerously, it relativized the concept that respect for human rights was a prerequisite for peace and security in the world.

55. The solidarity displayed by countries belonging to some of the five regional groups in the Commission in opposing any consideration of the human rights situation in their geographical area, was also contrary to the principle that all human rights violations, wherever committed, should be condemned. Such an attitude on the part of States in no way contributed to strengthening peace and security in their regions. The solidarity of a region could be more positively manifested within the framework of regional organizations for the protection of human rights, whose actions should be based on a universal conception of human rights, with due regard for the political, economic, social and cultural particularities of their member States. Representatives of such States in the Commission would then have a more global approach to the human rights violations brought to their attention.

56. His delegation also took the view that secret votes by the Commission on human rights situations in given countries would weaken the solidarity of a region. The example of the resolution on Tibet adopted by the Sub-Commission was a case in point. In that connection, all resolutions adopted by the Sub-Commission concerning the human rights situation in given countries should be automatically considered by the Commission under agenda item 12, whether in public or closed meetings.

57. Over the years, his delegation had been struck by the proliferation of ad hoc procedures adopted by the Commission in examining situations of human rights violations in certain countries. The choice of procedures based on the political weight of the country concerned or its membership of a given regional group weakened the action of the Commission, contributed to a lack of transparency on its part and damaged the credibility of the United Nations. Advisory services should never be a substitute for efforts undertaken under agenda item 12 to put an end to serious violations of human rights in a given country. The Commission should adopt the dual approach of appointing a special rapporteur for each country concerned while, at the same time, making effective advisory services available to the State in question if it demonstrated a genuine will to put an end to human rights violations in its territory.

58. Thematic and country procedures complemented each other, particularly where serious violations of human rights in a given country were not being examined by an independent expert under agenda item 12. In such a case, the thematic mechanisms should better coordinate their actions in the country concerned. Experts appointed under those procedures should be able to visit the country in question, which should then submit a report to the Commission on the manner in which it had implemented the recommendations made by the experts. The experts, in their turn, should be able to pay a further visit to the country to assesss the extent to which their recommendations had been effectively implemented.

59. The modest extract made available of the report of the Special Rapporteur on summary or arbitrary executions hardly permitted a detailed picture to be gathered of the evolution of the situation concerning violations of the right to life. Nevertheless, it was clear from the extract that the number of urgent appeals made in 1991 by the Special Rapporteur to Governments had almost doubled since the previous year. The gravity of the threat of death or the act of summary execution underscored the need for the Governments concerned to respond promptly and precisely to requests for information addressed to them by the Special Rapporteur.

60. Regrettably, cooperation on the part of Governments was sadly lacking and his delegation joined the Special Rapporteur in appealing to those Governments that received requests for information to respond to them immediately and directly, to take all appropriate measures to punish the perpetrators of the crimes and to prevent their repetition. Lastly, his delegation supported the renewal of the mandate of the Special Rapporteur on summary or arbitrary executions.

61. On the question of refugees, there could be no doubt that persons displaced within national borders constituted the most vulnerable refugee group. With that in mind, his delegation supported the creation of a mechanism to evaluate the needs of that category of refugees and, at a later stage, to inquire into the root causes that led to the displacement of populations and prevented their return to their places of origin. It was to be hoped that an effective mechanism could be set up as soon as possible. A working group composed of five experts would, perhaps, be the best way to carry out that task.

62. His Government supported the proposal by the Austrian delegation to institute an emergency procedure which, once the facts were established by a group of experts, would alert the Commission to the need to take the necessary decisions without delay and would help the Government concerned, through close cooperation, to restore full respect for human rights. As the Commission might not be prepared to create such a mechanism in the current year, his delegation suggested an additional period of reflection, so that delegations could commit themselves to the creation of a mechanism that was as flexible and effective as possible; such a step was indispenable for the Commission's credibility as well as for improving human rights protection.

63. Mr. KIKANKE (Observer for Zaire) said that his Government had consistently sought to cooperate with the Commission in promoting human rights in Zaire. Concerning the events on the campus of the University of Lubumbashi in May 1990, the Parliamentary Commission of Inquiry established to investigate the matter had drafted a report that had been transmitted to the Commission by the Permanent Mission of Zaire. Extremely critical of the officials of the Province of Shaba, the report called upon the elected officials to inquire into the events by interviewing the parents of the students who had studied at the University of Lubumbashi during the academic year 1989/90. An appeal had also been made for all persons with information on the subject to come forward. Persons who had communicated accusations to the Commission but had not done so previously to the authorities of Zaire therefore should not be taken seriously.

64. Following the parliamentary investigation, the Supreme Court of Justice of Zaire had sentenced a number of Shaba officials to long prison terms. The Commission's Special Rapporteur on summary or arbitrary executions had also examined the events, and Zaire had cooperated with him fully.

65. The investigations by the Parliament, the Supreme Court of Zaire and the Special Rapporteur demonstrated Zaire's good faith, and it would therefore be unfair to accuse his Government of seeking to obstruct justice or interfere with the investigation. Zaire intended to cooperate with Mr. Wako's successor as Special Rapporteur in the same spirit of openness.

66. Zaire was not a paradise for human rights but then no country was. Despite the economic crisis it was currently undergoing, it was making every effort to improve the human rights situation. As the Special Rapporteur had himself pointed out, summary and arbitrary executions were universal and no country was exempt from criticism. The old democracies, which had their share of racism and racial discrimination, should not seek to pose as models.

67. Zaire was open to all serious information that could help further the investigation of the events in Shaba. His Government intended to comply with its obligations under the relevant international human rights instruments.

68. Monsignor PIERRE (Holy See) said that, on 11 January, speaking to the diplomatic corps accredited to the Holy See, Pope John Paul II had stressed the need for all those concerned to participate in a dialogue on East Timor in order to create the basis for a solution in harmony with the aspirations of the population. The Holy See had taken every opportunity to call upon those involved to work towards resolving the problem. Following the shootings of 12 November 1991, it had intervened with the Indonesian authorities, who had said that the events would be investigated and that justice would be done. His delegation welcomed the assurances given by those authorities to the special envoy of the United Nations, Mr. Wako, during his recent visit to that country.

69. The Holy See's prime concern was the well-being of the population, which had endured long suffering. Any solution to the problem of East Timor must be realistic, equitable and acceptable to all the parties concerned. Violence and human rights violations only made it more difficult to come to an agreement. The Catholic Church, to which the majority of the population of East Timor belonged, could offer its contribution to initiating a dialogue, the sole objective being to restore peace through justice.

70. Concerning the recent tragic events in Zaire, the Holy See joined those who had raised their voices in favour of freedom of opinion in that country and called upon all Zairians to return to the path of dialogue and reconciliation. It supported the complaint by the bishops of Zaire about the ill-treatment of peaceful demonstrators during the "march for peace and hope" of 16 February 1992. The Zairian authorities and political leaders must make every effort to restore harmony to human relations in that country. For its part, the Catholic Church would continue to make every effort to achieve that goal.

71. Mr. KIM (Observer for the Democratic People's Republic of Korea) said that the world was currently witnessing a trend towards a North-South confrontation. Just as each country had its own political and economic system, history and customs, so each country adopted its own measures to protect and improve human rights. Historically, Koreans had always used a spoon and chopsticks and had eaten rice, and they would not tolerate it if someone tried to force them to eat only bread, and with a knife and fork. In the same way, human rights standards applicable in one country did not necessarily hold good for others.

72. Human rights could be ensured only when freedom and democracy became social reality. A society could not be regarded as truly free and democratic as long as there was injustice, social evils, widespread murder, millions of unemployed, denial of the right to education, drug abuse and juvenile delinquency.

73. In the United States of America, for example, 23 700 persons had been murdered in 1991 alone; there were an estimated 14 million neglected school-age children, 27 million illiterate persons and 8.9 million unemployed in that

country. In such a society, full of inequality and with no guarantee of the right to life, the human rights situation could not possibly improve. Yet the United States not only did not guarantee the human rights of its own citizens, it also trampled upon those of other countries, through armed aggression and interference.

74. In the Democratic People's Republic of Korea, every individual enjoyed true democratic freedom and rights. The people placed their trust in the democratic social system that they themselves had created after they had been freed from colonial rule. In a statement made the previous week, the delegation of the United States of America had offered a narrow-minded analysis of the situation in the Democratic People's Republic of Korea, the goal being to interfere in the internal affairs of another country.

75. All States Members of the United Nations must accede to and implement the relevant international human rights instruments. If States gave priority to solving human rights problems at home, it would contribute to improving international relations.

76. Mr. SAMPOVAARA (Observer for Finland) said that world opinion had been shocked in 1991 by the brutal treatment of the Kurdish population by the Government of Iraq in the aftermath of the Gulf War, a situation which, according to the report of the Special Rapporteur (E/CN.4/1992/31), had not improved. Iraq must adhere strictly to the relevant international human rights standards and cooperate closely with the Special Rapporteur. It must implement promptly the recommendations of the Special Rapporteur on the situation of human rights in occupied Kuwait (E/CN.4/1992/26) and provide information on persons who had disappeared during the occupation of Kuwait and its aftermath.

77. His Government continued to be concerned about the human rights situation in the Islamic Republic of Iran. While national legislation appeared to guarantee the right to a fair trial, the report of the Special Representative (E/CN.4/1992/34) indicated that, in political cases, the accused did not regularly have access to legal counsel. Torture and ill-treatment of prisoners were common. Prisoners were not always released after their sentence had expired, and the time spent in custody before sentencing was not subtracted from the prison term.

78. His delegation would welcome confirmation that the Iranian authorities were respecting their own national legislation prohibiting torture and hoped that they would cooperate with the Special Representative. The Baha'i community, which continued to be subjected to arbitrary arrests and detentions, must enjoy equal protection under the law.

79. Human rights violations, by both the Government and the opposition, persisted in Afghanistan. His delegation urged both sides to respect the provisions of the Geneva Conventions and the principles of humanitarian law and engage forthwith in negotiations to end the civil war.

80. His Government welcomed the peace accord reached between the Government of El Salvador and the Frente Farabundo Martí de Liberación Nacional. The United Nations should continue its involvement in the process of building a

lasting peace in El Salvador by maintaining the Special Rapporteur for that country, in addition to the existing United Nations verification mission ONUSAL.

81. Guatemala was an example of a country with a democratic Government but, since the Government was unable to exercise effective control over its army and law enforcement officials, it was in that country's own interests that the situation in Guatemala should continue to be dealt with under item 12 of the Commission's agenda.

82. Sri Lanka was a different case. Its Government had allowed Amnesty International to visit the country and had accepted 30 out of the 32 recommendations made by that organization. The transparency and general attitude adopted by the Government were to be welcomed. However, his delegation urged the Government to take effective measures to prevent enforced or involuntary disappearances, as Sri Lanka was number one on the list of countries where such disappearances had occurred.

83. Immediately after the massaere the previous November in Dili, capital of East Timor, Finland had protested to the Indonesian Government. It expected that the Government would allow a truly independent inquiry into the tragedy to be carried out and the offenders brought to trial.

84. His delegation regretted that it had been impossible for the Special Representative to establish direct contact with the Government and citizens of Cuba and thus to carry out in full the mandate entrusted to him. The Government of Cuba should release persons detained and imprisoned because of their opinions or human rights activities.

85. Some nations, which had been about to embark upon the difficult road of democracy, had been abruptly deprived of that right. Myanmar and Haiti were cases in point. The military regime of Myanmar should respect the free will of the people, as expressed in the elections of almost two years previously, and should release immediately Daw Aung San Suu Kyi. In Haiti, the democratically elected President, Fr. Jean-Bertrand Aristide, should be restored to office and the agreement just reached on that point was to be welcomed.

86. Despite the reports of violations of fundamentals rights and freedoms by the Chinese authorities in Tibet and the harsh sentences imposed on those regarded as having acted against the Government in 1989, the willingness of the Goverment of the People's Republic of China to discuss its human rights problems was to be welcomed.

87. The recent escalation of violence in south Lebanon and Israel meant that it was even more urgent for all those concerned to work for a peaceful solution in the Middle East.

88. There was a growing feeling that the United Nations system should devise a new mechanism to enable it to react without delay and in an approriate way to incidents of gross and acute violations of human rights in any part of the world. His Government thus welcomed the Austrian proposal to that effect.

The international community should also address the question of the effective protection of the human rights of displaced persons and devise an appropriate mechanism for the purpose.

89. In conclusion, it was obvious that more resources were needed if the thematic rapporteurs and special working groups were expected to fulfil their functions. Better cooperation and rationalization of work between the different bodies within the United Nations system was also necessary.

90. Mr. PARK (Observer for the Republic of Korea) said that the trend toward democratization and the increasing globalization of human rights issues reaffirmed the conviction that human history was a manifestation of human reason, a record of progress towards freedom.

91. Efforts to improve the protection of human rights in the Republic of Korea had been vigorously pursued. In December 1991, Korea had become a party to the Convention on the Rights of the Child and his Government was also considering accession to several other human rights instruments, including the Convention and Protocol on the Status of Refugees.

92. Numerous human rights abuses were still occurring throughout the world, mainly under totalitarian regimes. Although democratic revolutions had taken place in a number of countries, conflicts still persisted in some of them that could lead to their fragmentation if the majority did not respect and protect the fundamental rights of minorities.

93. In order to meet the challenge posed by those problems, the international community should direct its attention to the remaining oppressive regimes and should spare no effort to help nations facing political and economic crises in the course of democratization. In that context, linkage between aid and human rights could be a useful approach. Economic development assistance to the developing world was important, since the two issues were closely related. In addition, the Western liberal democracies should remain conscious of the potential for human rights abuses in their own societies. Otherwise, democracy's victory over totalitarianism would be a pyrrhic one.

94. His delegation wished to make two brief points concerning certain remarks made by non-governmental organizations about the Republic of Korea. Firstly, a valuable statement had been made by the representative of International Education Development regarding the issue of the "comfort women" drafted by the Japanese military authorities during the Second World War, an example of the overwhelming cruelty of human rights violations.

95. Secondly, a statement had been made by the representative of another NGO alleging that 30 persons in Korean prisons died annually. The Minister of Justice of the Republic of Korea had been wrongly cited as the source of that statement, it being alleged that the Minister had reported the abuses to the National Assembly. That statement was wholly false, and the malicious fabrication of a ministerial statement should be enough to discredit the rest of what that NGO representative had had to say.

96. Mr. BLASCO (International Council of Voluntary Agencies) said that, since the statement his organization had prepared was too long to be read out and would be distributed when the meeting rose, he would refer briefly to the key issues and recommendations contained in it.

97. The situation in many African countries affected by civil war and ethnic conflict was a sad one and had led to 6 million refugees in sub-Saharan Africa and 12 million internally displaced persons. The international community should pay more attention to those problems, and in particular, should look for ways to halt the arms trade. Liberia and Somalia were two countries where grave violations of human rights had occurred. The Commission should continue to monitor the situation in Liberia and make every effort to help end the fratricidal war in Somalia.

98. The Commission should investigate alleged human rights abuses in the Chittagong Hill Tracts area of Bangladesh, and the Government of that country should be urged to end such violations.

99. The Government of Indonesia should immediately release all political prisoners held in both Jakarta and Dili and all the parties concerned should be prepared to enter into negotiations on the subject of East Timor.

100. The situation in Myanmar had caused many refugees to flee to neighbouring countries. Their protection should be ensured by the Commission.

101. Human rights violations by both sides to the conflict in Sri Lanka were extremely serious and his organization's full statement contained some practical recommendations on the issue.

102. It was a matter of concern that Tibetan refugees in India had not received refugee status and so were not protected by international law. The status of Tibetan refugees everywhere should be respected.

103. Progress had been made in Latin America, particularly in El Salvador, but human rights continued to be violated throughout Central and South America particularly as a result of the activities of paramilitary groups. A further problem was that hundreds of thousands of migrants had no identity documents.

104. His organization had sent a mission to Colombia in 1991 which had reported that the Government was ineffective in controlling paramilitary groups. Although drug traffickers and terrorists were also responsible for human rights violations, the Government should make every effort to end the impunity of its agents for human rights violations.

105. The situation of Guatemalan refugees in Mexico continued to give cause for concern. His organization looked forward to their repatriation as soon as the necessary conditions for their return had been established.

106. The situation in Haiti following the coup d'état was most regrettable. The Commission should help the Organization of American States in its attempts to restore democracy to that country.

107. Peru was caught in a tragic spiral of violence that had also affected many other countries throughout the world. The international community should help it to find a way of breaking through the vicious circle of repression and violence.

108. In Europe, there had been a marked deterioration in the willingness of countries to grant asylum to refugees. The 1951 Convention on the Status of Refugees was being applied in a more restricted way. The Commission should support the United Nations High Commissioner for Refugees, the Council of Europe and relevant non-governmental organizations in their attempts to prevent Europe from closing its doors to those in need. The situation of refugee children, approximately half of the 17 million refugees in the world, was particularly troubling.

109. The plight of Palestinians in Kuwait and Lebanon, as well as other people without identity documents in that country, deserved attention. The repression of its opponents, notably Kurds and Shi'ites, by the Government of Iraq was disturbing. In addition, the effects of sanctions on the people of Iraq was a matter for concern. The non-application of international law by Israel in the occupied Arab territories was to be condemned.

110. Since internal displacement was an increasing phenomenon, the Commission should devise a mechanism to deal with the situation of the millions of people in many countries who had no real protection.

111. In conclusion, his organization wished to appeal to the members of the international community to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

112. Ms. LIMJUCO (Philippines), speaking in exercise of the right of reply, said that the concern of the International Federation Terre des Hommes about the plight of internally displaced persons in the Philippines was laudable. However, due cognizance should be given to the efforts of the Government of the Philippines to assist those people who were the victims of insurgency and natural disasters.

113. Her delegation agreed that a cease-fire was necessary for the implementation of full respect for human rights and that problems of poverty would have to be resolved for democracy to flourish. However, the solution of such problems required a solid legal foundation, political will, financial resources and, above all, time. Her Government had adopted legislative measures to deal with the situation, but it was forced to use a large proportion of its financial resources for the repayment of foreign debt and to finance counter-insurgency operations and programmes for displaced persons.

114. In view of the forthcoming elections and the peace process, the decision had been taken to disband the Citizens Armed Force Geographic Units in those areas where there was no insurgency. Unfortunately, that step had simply encouragd the insurgents, who had recently ambushed and killed soldiers.

115. Whilst her delegation welcomed the concern, then, of non-governmental organizations, it was extremely important that they should be fair and balanced in any criticism.

116. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that he was surprised that the representative of Finland should have called for the release of political prisoners in Cuba. He had evidently done so either out of ignorance of the situation, since in Cuba people were imprisoned only after they had been found guilty by due process of law, or for some other unknown reason. It was a mere repetition of a fabrication that some members of the Commission appeared to want to establish as an accepted fact. His delegation would, however, provide the representative of Finland with copies of correspondence exchanged with the Centre for Human Rights which refuted the allegations.

The meeting rose at 1 p.m.